

REMARKS/ARGUMENTS

The allowance of Claims 2, 3, and 13 - 20 and the allowability of Claim 12 if written in independent form is appreciated.

The remaining claims have been amended to make them more clear and distinguishable over the Art cited against them.

Claim 1 has been amended to make it more clearly distinguishable over the art by setting forth that the underlying bridging channel member supporting the resin basket passes through a groove in the underside of the basket and that the legs of the U-shaped channel extend upwardly providing a directional strength in an upward direction thus enhancing the supporting aspect of the bridging member.

The Examiner questions why channel members are functionally advantageous over tubular members commonly used in the prior art in construction of shopping carts. The channel members with right angular leg members on each side inherently have a strength imparted to the channel in the direction in which the legs extend. Thus the use of the channel members can be selectively directed toward providing strength in a desired direction to most effectively impart strength to the resin members with which they are combined.

Claim 1 accordingly has been amended to set forth that the underside of the basket has a groove extending across its width in which the bridging channel member is inserted in snug fit relation therewith to impart fixed solid support to the assembly. As thus set forth it is believed that Claim 1 is clearly allowable over the Badger reference cited against it which fails entirely to disclose channel member as utilized in applicant's assembly.

Further in this regard the channel member is not shown in the art used in the manner as

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disclosed by applicant nor is a tubular member adapted to a smooth perfectly matched association with the plastic resin used in making the basket. No smooth molding of a tube member in matched relation with a resin structure of the basket is disclosed in the art. Therefore it is not seen as obvious to modify Badger without applicant's disclosure before him to obtain the invention set out in Claim 1.

Where the prior art does not disclose use of channel members as disclosed by applicant and where the office action refers to tubular members as channels it is apparent that the examiner is attempting to reconstruct applicant's mental processes in the light of the prior art and applicant's disclosure to indicate lack of invention. But in doing so applicant's disclosure has been used as prior art against him. This has been held to be improper. Ex Parte, Bowie 46 U.S.P.Q. 557 - Board.

The Badger reference has been cited against Claim 4 which defines a structure quite different from Badger's in that a front bumper block made of resin is utilized in applicant's shopping cart rather than the tubular extension of the sides at the bottom of the cart as shown by Badger. By use of the resin bumper the denting of and metal to metal damage that might be caused from impact by a metal bumper is avoided in applicant's construction. To clarify this distinguishing feature of applicant's invention Claim 4 has been amended to set forth that the front bumper block is made of resin.

As to Claim 5 against which Badger has also been cited, the claim clearly sets forth that applicant's handle extends between the two sides of the resin basket whereas the Badger reference discloses a handle extending between two extensions projecting upwardly from the corners of the basket. To clarify applicant's construction as distinguishing Claim 5 has been amended to set out that the handle extends between the two sides and is secured to said sides at the rear upper edge of the basket. As so amended it is believed more clear that Claim 5 is patentably distinguishable over the

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reference cited against it.

Regarding Claim 8, it is alleged that Badger discloses a reinforcing channel member 62 extending into engagement with the interior of a side of the basket. It is clear however that Badger's construction involves a tubular member which engages the exterior corner edge of the basket and does not engage the interior of the basket side.

No channel member is disclosed. Rather two completely separate tubular parts are shown with separate structural functions in the Badger construction. In addition Claim 8 includes side channel members which at their front end are secured to a resin bumper block. In this regard the claim has been clarified by indicating that the side channel members are secured to opposite sides of the resin bumper block. The claim has been additionally amended to clarify that a pair of upwardly extending basket-reinforcing channel members each extending into engagement with the interior of a side of the basket. As so amended for clarification and in the absence of a similar construction in the Badger reference it is submitted that the claim is clearly allowable over the Badger reference.

In regard to Claim 9 against which the Badger reference is also cited sets forth use of channel members not disclosed in Badger but in addition claim 9 as now amended sets forth more clearly that the underlying supporting channel member which spans the side channel members passes through a groove in the underside of the resin basket. No such suggestion is made in the Badger disclosure nor is it disclosed that the spaced front wheels are mounted in a resin bumper block. Accordingly it is believed that Claim 9 is also clearly distinguishable and allowable over the reference cited against it.

Claims 6 and 7 which were rejected as unpatentable over Badger in view of Nadeau, et al, because Nadeau is alleged to disclose as claimed by applicant that the back of the basket is pivotably supported directly from the handle. But as may be clearly seen in figure 2 of Nadeau, the back of the

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basket is supported in grooves 212 at the top of studs 210 rather than being supported from the basket handle as disclosed by applicant. Nadeau's handle 230 is supported in the position above the back of the basket in a position different from applicants arrangement wherein the handle extends between and is secured to the two side of the basket. It is quite apparent therefore that the Nadeau reference fails to disclose applicant's construction as defined in claim 6, claim 6 is submitted therefore to be clearly allowable over the combination of Badger and Nadeau, et al. cited against it.

Correspondingly Claim 7 is submitted to be clearly allowable in being dependent upon the limitations of Claim 6.

In view of the foregoing it is believed that rejection of the claims on the references cited and particularly on the basis that the channel members are no different than tubular members is based upon an improper attempt to reconstruct applicant's invention using his own disclosure to effect the reconstruction. It is therefore believed that each of the claims rejected for the reasons cited against them are allowable especially as clarified by amendment.

In view of the foregoing it is believed that the application is in condition for allowance based upon the already allowed claims and the distinguishing aspects of the remaining claims as amended.

Applicant therefore respectfully requests that a timely notice of allowance be issued in this case.

Respectfully submitted,

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